

B.F. Little: The Reconstruction Sheriff of Washington County

Benjamin Franklin Little, the fifth of twelve children, was born in Bedford County, Tennessee on September 13, 1839, the son of John and Margaret (Johnson) Little. The family moved to Washington County, Arkansas in 1851 and began farming in West Fork, just south of Fayetteville.¹

In February 1861, a few months before the Civil War broke out, the citizens of Washington County were asked to vote for or against a state convention that would consider secession. Unionist sentiment rang strong in the county at that time, and the proposal to secede was rejected by almost a three-to-one margin. At the May statewide convention on the issue of secession, delegates from Washington County voted to remain loyal to the Union. A second convention was held in June, after the firing on Fort Sumter, and the delegates reversed their votes, leaving Isaac Murphy of Madison County alone in opposition to secession. During the war, Washington County and the surrounding area fielded roughly 500 to 800 men for the Union force and approximately 2,000 for the Confederacy.²

Benjamin Franklin Little was among those who chose to support the Union. His Army record with the War Department shows the following: B.F. Little, age 22 years, height 5'9", complexion fair, hazel eyes, dark hair, born in Bedford County, Tennessee, occupation farmer, enlisted on June 23, 1862, at Washington County, mustered into service July 3, 1862, by Lt. Col. Mills at Springfield, Missouri. The Company Muster Roll of January/February 1863 shows him to be on attached duty with a forage train. In June of 1864, he was promoted to Sergeant. In August of the same year, he is listed as sick in camp. The following March, he is on detached

duty with a train to Ft. Smith, Arkansas. According to the August 1865 Muster Rolls, Little was last paid on February 28, 1865.³

The years following the Civil War left the citizens of Washington County in ruin and abject poverty. Men returned from the war to find their fields unplanted, orchards destroyed, and fences and barns razed for firewood. Many of the public buildings, businesses, and schools had been burned. Worse yet, all livestock from chicken to oxen, had been confiscated, stolen, or eaten.

Cattle rustlers, whiskey runners, and border bandits continued to terrorize the county, robbing, and sometimes murdering, local citizens. The western side of the county bordered Indian Territory, making it easy for these marauders to escape to the safety of a lawless region.

The Fourteenth Amendment, passed in June of 1866 and ratified in July 1868, had a significant impact on Washington County by barring former confederates from holding office. A second piece of legislature, the Reconstruction Act of 1867, divided former Confederate states into five military districts and placed them under the command of former Union generals.⁴

In January 1866, Major General Alvan Cullem Gillem was assigned command of the Fourth Military District, headquartered in Vicksburg, Mississippi and composed of the Federal occupation forces in Mississippi and Arkansas.⁵ Under Section 3 of the Reconstruction Act, it was the duty of these officers to protect the rights of all citizens, their person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals.⁶

In 1868, Gillem appointed Benjamin Franklin Little, former Sergeant of Company D, 1st Arkansas Cavalry (Union) as Sheriff of Washington County, Arkansas. Both Gillem and Little

had been born in Tennessee. Whether this influenced the Major General's decision is not known.⁷

During his first year as sheriff, B.F. Little had to deal with a deadly feud that broke out in the western part of the county between the Shannon and Fisher families.⁸

The trouble started in mid-December when eighteen-year-old Maurice K. Shannon lost his father's horse and saddle in a card game at one of Evansville's taverns. The town hugged the border between Arkansas and Indian Territory in the extreme southwest corner of Washington County. Major Jarrett Fisher, a seasoned gambler, won the horse.⁹

A week later, Maurice met with Fisher to discuss payment for young Shannon's debt. While they were parleying, his older brother, Finis, stepped through the tavern door and thought he saw Major Fisher draw a gun. Quick to defend his brother, Finis fired and shot Fisher through the head, killing him instantly.¹⁰

Both the township's justice of the peace and a higher court in Fayetteville found Finis Shannon's actions to be justifiable. He was set free. Upon hearing the verdict, Major Fisher's brother, John, became outraged and vowed revenge.¹¹

In January 1869, John Fisher spotted and followed Dr. J.C. McKinney, the father-in-law of Finis Shannon, into an Evansville store. Fisher then shot McKinney through the heart.¹²

Sheriff B.F. Little, along with the Shannons and a posse of thirty men attempted to capture Fisher. A gun battle ensued with the Fisher gang taking refuge in John Fisher's sister's house while the sheriff and posse retreated to a nearby stable. Occasional shots were fired back and forth all day. When night came, Fisher and his men slipped out and escaped into Indian Territory.¹³

A short time later, Sheriff Little took a posse to Texas in search of the outlaws, and upon returning, reported that Fisher was dead. Other accounts however, listed him as being seen later in Oklahoma, Missouri, and Texas.¹⁴

Over the course of one year, seven men died in the feud, and it was rumored that famed outlaw Frank James was among those in the Fisher gang.¹⁵

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Circuit Court records from 1867 to 1872 provide further insight into Sheriff Little's involvement in Washington County affairs.¹⁶

In August 1867, Judge William Storey of the 8th Judicial Court held court in Washington County. Jacob Yoes resigned as sheriff, and B.F. Little succeeded him. This calls into question whether Little had already accepted the position prior to being formally appointed by General Gillem.¹⁷

A good number of men were summoned for jury duty that term. Many failed to report, including several prominent men well-known within the county who would later have streets, parks, and communities named after them.¹⁸ The court charged several with contempt for failure to report and ordered Sheriff Little to bring them in. The penalty for failure to report for jury duty was a \$5 fine and a lecture from the judge.¹⁹

The docket included cases involving murder, theft, and a variety of other charges. Samuel West received a *nolle prosequi*, a dismissal of charges by the prosecution, on a murder. Benjamin Woodruff was also freed on a similar charge. Thomas Bigby was fined \$150 (equivalent to \$2,035 today) for an unspecified high misdemeanor.²⁰

Judge Elijah D. Hamm was on the bench in September 1868. He was assisted by Sheriff B.F. Little. Eighteen men were empaneled as a jury and told to inquire into the violations of the law in the county.²¹

Samuel E. Kenner received a *nolle prosequi* for an undefined crime as did William Vance. John Wilhite was charged with theft and Lafayette Curtis and A.J. McRoy with contempt. James Buxey was acquitted for an unspecified misdemeanor.²²

In January 1869, Judge Hamm returned to the bench and seated twenty men as grand jurors, with John W. Benbrook as foreman.²³ Two months later, on March 25, 1869, the judge charged Sheriff B.F. Little with contempt for failing to maintain order in the courtroom and fined him \$10. The court records do not reveal what actions, or lack thereof, on Little's part led to the contempt charge.²⁴

That same year, Joseph Runnell and Christopher Cox were arrested on murder charges. Judge Hamm set bond at \$2,000 for Runnell and \$5,000 for Cox. This was an extraordinary amount of money in those days and personal property and real estate were often used in lieu of cash. James M. Sanders furnished bond for Reynolds, and Cox gave Henderson Vaughan, Earnest Beach, and Edward Mull as sureties.²⁵

Jury selection for these cases began the last Monday in August. Many of those subpoenaed as witnesses lived in the Sons Chapel-Habberton area. The trial lasted several days with the jury finding Cox not guilty. Reynolds received a *nolle prosequi* and was also released and told to "go hence."²⁶

In March 1871, George Southerland was convicted of grand larceny and sentenced to five years hard labor at the state penitentiary. Sheriff Little was given a copy of the verdict, embossed with the county seal, and told to escort Southerland to the penitentiary.²⁷

Other duties that fell on Sheriff Little's shoulders included notifying the public of meetings regarding taxes, which he was to collect and deliver to the county tax collector. In July 1870, Little contracted with a printer, Samuel Bard, to print posters for meetings and 2,450 tax receipts.²⁸

Another major event that occurred during the four years B.F. Little served as sheriff of Washington County was the construction of a new courthouse. The previous courthouse, built in 1854, had been burned during the Civil War. Washington County held court in the upstairs part of James E. Trott's store until the new building was completed in 1869.²⁹

This was the final courthouse constructed in the center of the Fayetteville square. It was built by Alexander Hendry in 1868 and 1869 for \$22,500. The county continued to use it until 1905 when they moved to a larger facility on College Avenue directly across the road from the east end of Center Street to what is now the historic Washington County Courthouse.³⁰

On November 13, 1870, B.F. Little married Elizabeth Caroline Woolsey. They had six children, two of whom—Mary Caroline “Babe” (1872-1874) and Julius Caesar (1876-1877)—died as infants. Both babies are buried in the Baptist Ford Cemetery between Greenland and West Fork.³¹

Their other children were: John William “Bill” (1873-circa 1930) who married Josie Mhoon, moved to Whittier, California and died there; Emily (1878-1957) who married William Ryder Sweetser and is buried at Evergreen Cemetery in Fayetteville, Arkansas; Lillie Dell “Liss” (1880-1905), who married Dr. Charles E. Swift and is buried at the Goshen Cemetery; and Minnie Bell (1883-1955), who married Felix A. Oliphant, then Henry M. “Buck” Tisdale, and is also buried at the Goshen Cemetery.³²

In 1872, B.F. Little resigned as sheriff of Washington County, citing health reasons. His war records show that while on duty with the Union Army at Springfield, Missouri he was disabled by chronic diarrhea. Dysentery was a common ailment among soldiers on both sides during the Civil War with thousands of deaths occurring from it. This illness plagued him for the remainder of his life.³³

After retiring from public service, Little moved to the community of Goshen where he owned a farm of 222 acres. In 1895, the following was listed as his personal property for taxation in Goshen Township: livestock valued at \$300, other personal items included a carriage, a gold watch, a piano, and cash valued at \$535, bring the total net worth to \$835.³⁴

When Benjamin Franklin Little died in February 1909, the following obituary ran in the *Fayetteville Daily Democrat*, “Ben F. Little died at his home near Goshen this morning of a complication of ailments. He was 68 years of age and was extensively acquainted, having been sheriff of the county after the war. The burial will take place tomorrow.”³⁵

He is buried alongside his wife in the Goshen Cemetery.³⁶

End Notes

¹*Washington County History*, Shiloh Museum of Ozark History, Springdale, Arkansas 1989, p. 1186.

²<https://encyclopediaofarkansas.net/entries/washington-county-813/>, accessed May 27, 2022.

³*Washington County History*, p. 1186.

⁴<https://www.senate.gov/artandhistory/history/common/generic/JointCommitteeonReconstruction.htm>, accessed April 24, 2022.

⁵Wikipedia https://en.wikipedia.org/wiki/Alvan_Cullem_Gillem, accessed May 4, 2022.

⁶<https://www.ncpedia.org/anchor/military-reconstruction>, accessed April 24, 2022.

⁷<https://www.washingtoncountyar.gov/government/departments-f-z/sheriff/sheriffs-of-washington-county/sheriffs-1866-1908>, accessed July 6, 2022.

⁸*Goodspeed's Washington County History*, The Goodspeed Publishing Co., 1889, p. 192

⁹Ibid p. 192.

¹⁰Ibid p. 192.

¹¹Ibid p. 192.

¹²Ibid p. 192.

¹³Ibid pp. 193-194.

¹⁴Ibid p. 194.

¹⁵Ibid p. 193.

¹⁶Lloyd McConnell, *The Judge and The Jury*, Washington County Historical Society, 1986, p. 24.

¹⁷Ibid p. 24.

¹⁸Ibid p. 24, Names of those not appearing for jury duty: Andrew Gregg, Robert J. West, William Wilson, John Van Hoose, John Morrow, and Neil G. Rutherford.

¹⁹Ibid p. 24.

²⁰Ibid p. 24.

²¹Ibid p. 25.

²²Ibid p. 25.

²³Ibid p. 26.

²⁴Washington County Circuit Court Archives, Book J, p. 82.

²⁵*The Judge and The Jury*, p. 26.

²⁶Washington County Circuit Court Archives, Book J, pp. 87, 91-92.

²⁷B.F. Little Papers MC 1077, University of Arkansas Libraries, Special Collections.

²⁸Receipt from printer, B.F. Little Papers, University of Arkansas Libraries, Special Collections.

²⁹Anthony J. Wappel with J.B. Hogan, *The Square Book*, published by Anthony J. Wappel, 2017, p. 215.

³⁰Ibid p. 215.

³¹*Washington County History*, p. 1186.

³²Ibid p. 1186.

³³Ibid p. 1186.

³⁴Ibid p. 1187.

³⁵*Fayetteville Daily Democrat*, Monday, February 22, 1909.

³⁶Goshen Cemetery Association, Russell Gayer, President, interview April 1, 2022.